

**REID COLLINS & TSAI LLP**

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**Hearing Date:**  
**April 29, 2014 at 11:00 A.M.**

**Objection Deadline:**  
**April 4, 2014 at 5:00 P.M.**

*Special Counsel for Yann Geron, Chapter 7 Trustee  
of the Estate of Thelen LLP*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

THELEN LLP,

Debtor.

Chapter 7

Case No. 09-15631 (ALG)

Yann Geron, Chapter 7 Trustee of the Estate  
of Thelen LLP,

Plaintiff,

- v -

GARY L. FONTANA, *et al.*,

Defendants.

Adv. Pro. No. 11-02648 (ALG)

-----X  
Yann Geron, Chapter 7 Trustee of the Estate  
of Thelen LLP,

Plaintiff,

- v -

FREDERICK COHEN,

Defendant.

Adv. Pro. No. 11-02674 (ALG)

-----X  
Yann Geron, Chapter 7 Trustee of the Estate  
of Thelen LLP,

Plaintiff,

- v -

ALLEN J. ROSS,

Defendant.

Adv. Pro. No. 11-02690 (ALG)

-----X  
Yann Geron, Chapter 7 Trustee of the Estate  
of Thelen LLP,

Plaintiff,

- v -

GREGORY P. O'HARA,

Defendant.

Adv. Pro. No. 13-01444 (ALG)

**TRUSTEE'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO  
DATE OF TRANSFER AND REASONABLY EQUIVALENT VALUE  
UNDER PARTNERSHIP AGREEMENTS**

Yann Geron, as chapter 7 trustee (“Trustee”) of Thelen LLP (“Thelen” or “Debtor”), by and through his undersigned counsel, respectfully requests, pursuant to sections 548 and 550 of title 11 of the United States Code and Federal Rule of Bankruptcy Procedure 7056, making applicable Rule 56 of the Federal Rules of Civil Procedure, and in accordance with the Order entered by this Court on January 28, 2014 (the “Scheduling Order”), that this Court grant partial summary judgment in his favor with respect to the fraudulent transfer claims in the above-captioned actions on the issues set forth in section 3(a) and (b) of the Scheduling Order, including, as a matter of law: (i) the point in time at which the overcompensation and loan advances were made, and (ii) whether the governing partnership agreements establish the reasonably equivalent value of a partner’s services.

In support, the Trustee relies upon his memorandum of law (the “Memorandum of Law”), the affidavit of Karl Knechtel (the “Knechtel Affidavit”), and the statement of undisputed material facts pursuant to S.D.N.Y. Local Bankruptcy Rule 7056-1 (the “7056-1 Statement”), each of which is being filed herewith and is incorporated herein by reference.

WHEREFORE, for the reasons set forth in the Memorandum of Law, the Knechtel Affidavit, and the 7056-1 Statement, the Trustee respectfully requests that this Court enter partial summary judgment in its favor and grant to him such further relief as is just and proper.

Dated: New York, New York  
March 13, 2014

By: /s/Angela J. Somers

Angela J. Somers  
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